

October 21, 2024

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The Honorable Jerry E. Smith
The Honorable David C. Guaderrama
The Honorable Jeffrey V. Brown
United States District Court for the
Western District of Texas
262 West Nueva Street
San Antonio, Texas 78207

cc: Counsel of Record via ECF.

Re. *League of United Latin America Citizens et al., v. Abbott et al.*
No. EP-21-CV-00259-DCG-JES-JVB (W.D. Texas)

Dear Judge Smith, Judge Guaderrama, and Judge Brown:

On October 15, 2024, Defendants submitted a letter brief to the Court in response to the Court’s request for supplemental briefing on *Petteway v. Galveston County*, 111 F.4th 596 (5th Cir. 2024). See ECF No. 815. Texas State Conference of the NAACP (“Texas NAACP”) submits this letter brief in reply.

First, Defendants argue that *Petteway v. Galveston County*, 111 F.4th 596 (5th Cir. 2024), “flatly reject[s] . . . coalition claims under Section 2.” ECF No. 815 at 3. In their letter brief, however, Defendants do not specify that *Petteway*’s holding only applies to effects-based vote dilution claims under Section 2 of the Voting Rights Act. *Petteway* plainly has no impact on intentional vote dilution claims under Section 2, and the court remanded the plaintiffs’ intentional discrimination and racial gerrymandering claims to the district court. *Petteway*, 111 F.4th at 614.

Second, Defendants ask the Court to dismiss Texas NAACP’s Section 2 coalition claims. See ECF No. 815 at 1, 4. But Defendants have no pending motion to dismiss against Texas NAACP Plaintiffs. If Defendants wish to dismiss any of Texas NAACP’s claims, they must first file a

motion to dismiss, which would also allow the parties to fully brief the issues and establish a record for any subsequent appellate proceedings.

Dated: October 21, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2024, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

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